

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

It is noted that claim 1 defines how a user-device specific set of at least one provisioned talk group identifier is obtained from a dispatch network. This is because the user-device specific set of at least one provisioned talk group identifier is maintained by the dispatch network. Claim 1 has been amended to clarify this point. Applicant submits that this amendment is fully supported by the application as originally filed. For example, the description teaches on page 7, lines 10-13 that “the DAP 130 may retrieve information from the D-HLR 120 regarding the various services and or identifications including provisioned and selected talkgroups of a user device at any one time.” With reference to Figure 1, the D-HLR 120, which is a repository of data for dispatch calling identification and services, is clearly shown to be part of the dispatch network 110. Additional support can be found on page 12, lines 27-32, and in claim 17.

Claim 13 has been amended in order to define how the dispatch network maintains for each user device a user-device specific set of at least one provisioned talk group identifier. This amendment is supported for similar reasons provided above in respect of claim 1.

The claims have been amended to replace instances of “adapted to” with “configured to”.

### **Claim Rejections – 35 U.S.C. 112**

The Examiner rejects claims 13, 27 and 28 under 35 U.S.C. 112, first paragraph, contending that there is no support for the limitation “provide the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in”. In response, Applicant respectfully traverses the Examiner’s rejection for reasons detailed below.

The present application is concerned with informing a user of talk groups provisioned for the user device when the user is unaware of or has forgotten which talk groups have been provisioned for the user device—see page 5, lines 8-14. This clearly goes beyond informing a user of a talkgroup when the user opts into that talkgroup, as the user will certainly be aware of the talkgroup at that time. There would not be any point in reminding a user of a talkgroup upon

opting into that talkgroup. Therefore, the problem addressed by the Applicant is how to inform the user of talk groups that are provisioned for the user device at some time other than talk group opt in. The person skilled in the art would understand from reading the present application as originally filed that the reminding/informing feature occurs “upon an event other than talkgroup opt in” as recited in claims 13, 27 and 28.

In a first example, the dispatch network provides the user-device set of at least one provisioned talkgroup identifier upon request from the user device—see dependent claims 15 and 17. In a second example, the dispatch network provides the user-device set of at least one provisioned talkgroup identifier upon power up of the user device—see dependent claim 16. In third example, the dispatch network provides the user-device set of at least one provisioned talkgroup identifier upon change to the provisioned talkgroup identifier(s)—see dependent claim 19. Additional examples can be found in the description, for example on page 9, lines 14-16; page 12, lines 23-26; page 16, lines 13-28; and page 18, lines 14-20.

Applicant submits that limiting the broadest claims to recite the particular events that might prompt the dispatch network to provide the user-device set of at least one provisioned talkgroup identifier is completely unnecessary and would unduly limit the scope of the claims. The person skilled in the art would understand from the application as originally filed that there are many possible events for triggering the dispatch network to provide the user-device set of at least one provisioned talkgroup identifier. Also, the person skilled in the art would understand that such events are separate from talkgroup opt in, as there would no point in reminding a user of a talkgroup upon opting into that talkgroup.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 13, 27 and 28 under 35 U.S.C. 112, first paragraph.

### **Claim Rejections – 35 U.S.C. 103**

In rejecting claims under 35 U.S.C. § 103(a), the Examiner bears the initial burden of establishing a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984). It is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re*

*Fine*, 837 F.2d, 1071, 1073 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. Additionally, in making a rejection under 35 U.S.C. § 103(a) on the basis of obviousness, the Examiner must provide some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the appellant. *See Oetiker*, 977 F.2d at 1445. *See also Piasecki*, 745 F.2d at 1472. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. *See Oetiker*, 977 F.2d at 1445; *Piasecki*, 745 F.2d at 1472.

Claims 1-6, 9-15, 20-22, 23-24 and 27-28

The Examiner rejects claims 1-6, 9-15, 20-22, 23-24 and 27-28 under 35 U.S.C. 103(a) as being unpatentable over U.S. 2003/0186716 (“Dorenbosch”) in view of U.S. 6,999,783 (“Töyrylä”). In response, Applicant submits that the claims as amended are patentable over Dorenbosch and Töyrylä for reasons detailed below.

*Differences between the claimed invention and the prior art*

The present application teaches on page 5, lines 8-14 that “A user of a user device is normally informed of the user device's provisioned talkgroups and provided with a list of the talkgroup identifiers in the form of indices at the time of service activation (activation occurring once, when a user initially subscribes to the service). However, it may be the case that a user is unaware of or forgets the user device's provisioned talkgroups and the identifiers thereof.” Thus, the problem confronted by the Applicant is how to make the user aware of the talkgroups provisioned for the user device.

The solution as recited in claim 1 as amended involves a user device that is configured to “obtain from the dispatch network a user-device specific set of at least one provisioned talk group identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device” and “make information pertaining to the at least one provisioned

talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network.” Thus, claim 1 defines a user device that provides information pertaining to provisioned talk group identifiers to a user of the user device. This serves to inform/remind the user of the talkgroups that have been provisioned for the user device.

The Examiner concedes that “Dorenbosch does not explicitly show that [the user device is configured to] make information pertaining to the provisioned talkgroup identifiers available to a user of the user device.” Applicant agrees with the Examiner. As indicated in Applicant’s last response dated June 27, 2008, Dorenbosch is simply not concerned with informing/reminding a user of talkgroups that have been provisioned for the user device.

Töyrylä also fails to teach a user device that is configured to “make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network” as claimed by the Applicant. Applicant’s reasoning is detailed below.

Töyrylä teaches in column 5, lines 35-38 that if the user of the mobile station MS1 decides to create a group, then the user of MS1 creates a group definition record 11. Töyrylä goes on to teach in column 5, lines 53-58 that “The user of MS1 distributes, using the MS1, the group definition record in the group definition message to the intended group members (step 203). The MS1 can utilize any user-to-user communication facility offered by the mobile communications network 16 for sending the group definition message to the recipients.” Therefore, the group definition record 11, which is created by the mobile station MS1, is forwarded to the recipients using user-to-user communication. This means that the mobile communications network 16 merely operates as a conduit for the group definition record 11, contrary to “the at least one provisioned talkgroup identifier being maintained by the dispatch network” as claimed by the Applicant.

Töyrylä goes on to teach in column 6, lines 4-12 that “As is evident from the above example, the dynamic talk groups can be created and managed by sending messages between the users. In other words, the group creation and membership management are handled at a user

level without interacting with the group communication facilities of the communications system on the network side. There is no need for the network side of the communications system to store and maintain information on such dynamic talk groups and their members, except when the group is actually in use.” [Emphasis added] Thus, Töyrylä teaches away from the mobile communications network 16 maintaining information on the newly created group. This is contrary to Applicant’s claimed approach involving “the at least one provisioned talkgroup identifier being maintained by the dispatch network”.

Töyrylä teaches in column 5, lines 65-67 that “Preferably, the group definition record is first displayed to the users of MS2 and MS3 who can then decide whether the group definition record is stored or not.” Thus, although the group definition record 11 is displayed to the users of MS2 and MS3, it might not be stored. This means that the users of MS2 and MS3 can simply delete the group definition record 11 rather than joining the talk group. In this manner, the group definition record 11 does not concern a provisioned talkgroup as claimed by the Applicant. This is because the group definition record 11 provided to the users of MS2 and MS3 concerns a newly created talkgroup that the users of MS2 and MS3 may or may not ever join. Thus, the newly created talkgroup cannot be considered as being provisioned for MS2 and MS3 at the time that it is displayed to the users of MS2 and MS3. This is why there is no need for information about the newly created talkgroup to be maintained by the mobile communications network 16.

In summary, Dorenbosch is simply not concerned with informing/reminding a user of talkgroups that have been provisioned for the user device. Töyrylä teaches displaying a group definition record 11, but this does not concern a provisioned talkgroup. Rather, the group definition record 11 concerns a newly created talkgroup that may or may not be joined by other users. Also, the group definition record 11 is distributed using user-to-user communication, contrary to being “maintained by the dispatch network” as claimed by the Applicant.

In view of the foregoing, Applicant submits that Dorenbosch and Töyrylä fail to disclose separately or in combination Applicant’s claimed user device that is configured to “make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch

network.” This is because Dorenbosch and Töyrylä are simply not concerned with informing/reminding a user of the talkgroups provisioned for the user device.

*No Reasons to Support an Obviousness Rejection*

The Examiner states that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, make information pertaining to the provisioned talkgroup identifiers available to a user of the user device, as taught by Töyrylä, in order to provide a technically simple method for creating a dynamic group.”

To begin, it is noted that Töyrylä’s group definition record 11 does not concern a provisioned talkgroup. Therefore, even if the person skilled in the art would think to modify Dorenbosch to display Töyrylä’s group definition record 11, which Applicant does not concede, one would not arrive at a user device that is configured to “make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network” as claimed by the Applicant.

Moreover, the Examiner does not explain how modifying Dorenbosch to display information concerning a talkgroup identifier would provide a technically simple method for creating a dynamic group. Dorenbosch teaches in paragraph [0026] that “The exchange of messages between base station and the units of the participants that opt in can also be used to forward information in those units that identifies the new or modified group. The information may consist of a group identifier or of an enumerated list of participants.” How would modifying the unit so that it subsequently displays information concerning the group identifier provide a technically simple method for creating a dynamic group? Since Dorenbosch already relates to dynamically creating a talkgroup, adding the additional feature from Töyrylä would seem completely unnecessary and would not make things any more “technically simple”.

Therefore, The Examiner’s reasoning for the proposed combination of Dorenbosch and Töyrylä cannot be regarded as valid.

In view of the foregoing, Applicant submits that claim 1 as amended is patentable over Dorenbosch and Töyrylä.

Applicant submits that claims 2-6 and 9-12 are patentable over Dorenbosch and Töyrylä for similar reasons provided above in respect of claim 1.

Claim 13 defines a dispatch network that is configured to “provide to each user device the user-device specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in”. This serves to remind the user about each talk group that has been provisioned for the user device at some time after the talk groups are provisioned for the user device, as a user may have forgotten which talk group are provisioned for the user device.

The Examiner concedes that “Dorenbosch does not explicitly show that [a network] provide[s] the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in.” Applicant agrees with the Examiner. In particular, Dorenbosch teaches in paragraph [0026] that the group identifier for a talk group is provided to a user device upon talk group opt in. Providing the group identifier at the time the talk group is joined does not serve to remind the user about each talk group that has been provisioned for the user device.

The Examiner contends that Töyrylä teaches the aforementioned feature in column 5, line 35 through column 6, line 3. However, as noted above for claim 1, the group definition record 11 in Töyrylä concerns a newly created talkgroup that may or may not be joined by other users. Thus, the group definition record 11 does not concern a provisioned talkgroup. Therefore, Töyrylä also fails to teach a dispatch network that is configured to “provide to each user device the user-device specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in” as claimed by the Applicant.

Furthermore, as also noted above for claim 1, the mobile communications network 16 operates as a conduit for the group definition record 11. Therefore, the mobile communications network 16 does not *provide* the group definition record 11 per se. Also, the mobile communications network 16 in Töyrylä teaches away from Applicant’s claimed dispatch network configured to “maintain for each user device a user-device specific set of at least one

provisioned talk group identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device”.

In view of the foregoing, Applicant submits that claim 13 as amended is patentable over Dorenbosch and Töyrylä.

Applicant submits that claims 14 and 15 are patentable over Dorenbosch and Töyrylä for similar reasons provided above in respect of claim 13.

Claim 20 is directed to a method of provisioned talkgroup discovery and recites “the dispatch network receiving the request and responding with a response containing a user-device specific set of at least one provisioned talk group identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device”.

The Examiner contends that Dorenbosch teaches the aforementioned feature in paragraphs [0022] and [0027]. However, paragraph [0022] is completely silent to a request for a talkgroup identifier. Paragraph [0027] teaches a request message, but this is a request for initiating a group call. Dorenbosch teaches that “The group call request message contains the identifier of the desired target group.” There is no apparent need for receiving the talkgroup identifier in response to the request.

Dorenbosch teaches in paragraph [0026] that a mobile unit receives a group identifier upon talk group opt in. However, Dorenbosch is silent to the mobile unit specifically requesting the group identifier. Note that the user in Dorenbosch would not need to request the group identifier due to forgetting that the talk group is provisioned for the mobile unit, as this all occurs during talk group opt in.

Claim 20 further recites “the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device”.

The Examiner concedes that “Dorenbosch does not explicitly show that the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device.” Applicant agrees. As previously noted, Dorenbosch is simply not concerned with informing/reminding a user of the talkgroups provisioned for the user device.

The Examiner contends that Töyrylä teaches the aforementioned feature in column 5, line 35 through column 6, line 3. However, as noted above for claim 1, the group definition record 11 in Töyrylä concerns a newly created talkgroup that may or may not be joined by other users. Thus, the group definition record 11 does not concern a provisioned talkgroup. Therefore, much like Dorenbosch, Töyrylä fails to teach “the user device ... making the provisioned talkgroup identifiers available to a user of the user device” as claimed by the Applicant.

In view of the foregoing, Applicant submits that claim 20 is patentable over Dorenbosch and Töyrylä.

Applicant submits that claims 21, 22 and 23-24 are patentable over Dorenbosch and Töyrylä for similar reasons provided above in respect of claim 20.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-6, 9-15, 20-22 and 23-24 under 35 U.S.C. 103(a).

#### Claims 7 and 16

The Examiner rejects claims 7 and 16 under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Töyrylä and further in view of EP 1 330 138 (“Valentine”). This rejection relies on another rejection that should be withdrawn for reasons set out above. Therefore, the Examiner is respectfully requested to similarly withdraw the rejection of claims 7 and 16 under 35 U.S.C. 103(a).

#### Claim 8

The Examiner rejects claim 8 under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Töyrylä and further in view of another document. This rejection relies on another rejection that should be withdrawn for reasons set out above. Therefore, the Examiner is respectfully requested to similarly withdraw the rejection of claim 8 under 35 U.S.C. 103(a).

#### Claims 17-19


The Examiner rejects claims 17-19 under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Töyrylä and further in view of U.S. 6,999,783 (“Wolf”). This rejection

relies on another rejection that should be withdrawn for reasons set out above. Therefore, the Examiner is respectfully requested to similarly withdraw the rejection of claims 17-19 under 35 U.S.C. 103(a).

Favorable consideration is requested.

Respectfully submitted,

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